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Technical assistance and capacity-building

Written statement* submitted by the Maat for Peace, Development and Human Rights Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Strengthening technical cooperation and capacity-building in the field of human rights related to the achievement of sustainable development goals

Preface

Since the drafting of the Universal Declaration of Human Rights, the UN has emphasized on the importance of promoting and protecting human rights worldwide, in accordance with rules and principles of public international law and international human rights law, and on that basis; the UN established its program of cooperation in the field of human rights since 1955 to assist States in building and strengthening their national structures that have a direct impact on the general observance of human rights and the maintenance of the rule of law. In order to avail itself of the UN Program of technical cooperation in the field of human rights, the Government must submit a request for such assistance to the secretariat and that conduct an assessment of the human rights needs of States and are usually evaluated when there is a realistic presence of the OHCHR on the ground or through a mission to states1 .

Capacity-building is defined as the process of developing the skills, talents, capacities, and resources needed by organizations and communities, capacity-building is linked to goal 17 of the sustainable Development Goals 2030, targeting capacity-building and increasing technology and innovation in the least developed countries. Goal 17 is based primarily on the need for partnerships between national governments, the private sector and civil society, which are built on common norms, values, vision and goals2 .

The UN technical Cooperation Programme focuses on the incorporation of international human rights standards into relevant national laws and legislation; build and strengthen national institutions that are capable of promoting human rights and consolidating and protecting the principles of democracy within the framework of the rule of law, To incorporate the promotion of human rights into a national plan or strategy and to increase awareness of educational and training programmes, workshops and seminars provide scholarships, provide information and documentation and make a comprehensive assessment of local national human rights' needs.

Technical cooperation is one of the major activities of the OHCHR, through which it makes a contribution to a number of areas as the realization of the right to development and international cooperation in finding solutions to problems of an economic, social and cultural character, as well as respect for the human rights and fundamental freedoms for all. The UN emphasizes that technical assistance and cooperation is an intrinsic activity in the area of human rights monitoring and not an alternative activity as provided for in GA/RES. 48/141. It also emphasizes that the provision of advisory services and technical assistance does not diminish the responsibility of Governments to clarify and proclaim the situation of human rights on their territories through monitoring and conducting the necessary investigations to ensure the protection of human rights in accordance with the measures adopted by the UN. The actions taken by the special procedures of the Human Rights Council are often carried out in parallel with programs that include advisory services and technical assistance 3 .

Role of the Human Rights Council in promoting technical cooperation and capacity-building

The resolutions adopted by the Human Rights Council at its successive sessions emphasize the importance of technical cooperation in the promotion of human rights and the implementation of the sustainable development agenda 2030, during the 36th session, on 29 September 2017, the Human Rights Council adopted, without a vote, A/HRC/RES/36/28, which dealt with the role of UN bodies and mechanisms to promote and harmonize capacity-building efforts with the needs of States and their national policies, including the promotion of policy coherence in the implementation of all their obligations and development goals under international human rights law, and the resolution emphasized that one of the responsibilities of the High Commissioner was to provide advisory services, technical and financial assistance at the request of the interested state with a view to supporting programs for the promotion of human rights both at the level of

1 - https://goo.gl/fLF7Et

SDGs, https://goo.gl/mXg6Qw -2

3 - https://goo.gl/5u2fHh

states requesting assistance or the promotion of human rights within the UN system for the promotion of human rights in accordance with the mandate of the OHCHR, which has confirmed a number of points- as follows:

1. The basis for technical cooperation and capacity-building in the field of human rights is on the consultation with and formulation of the States concerned in accordance with their needs in the context of the universality, indivisibility and interdependence of human rights.

2. The promotion of human rights and the sustainable development agenda 2030 mutually reinforce each other.

3. Technical cooperation should continue to be a universal and inclusive exercise involving all national stakeholders, including government agencies, national human rights institutions and civil society.

4. The resolution invited both the High Commissioner and the Chairman of the Board of Trustees of the UN Trust Fund to submit comprehensive reports on the overall review of efforts made in technical assistance, capacity-building, best practices and challenges related to these efforts at the 37th session of the Human Rights Council.

5. Emphasized the important role that technical cooperation and capacity-building can play in the prevention of human rights violations and enhancing the credibility and effectiveness of the HR Council therefore, technical cooperation and the provision of human rights-related technical assistance and sustainable development goals could achieve maximum possible impact on the ground.

The role of technical cooperation and capacity-building in halting violations

The technical cooperation that is provided despite its importance in facilitating the legal and legislative reforms adopted by States for the promotion of the rights human rights and to work to incorporate the principles and link them with the goals of sustainable development, but it has not yet achieved the desired goal, for example, to find that despite the assistance provided by the OHCHR for Myanmar in the legal and constitutional amendments and the support provided for the training of government officials, parliamentarians and civil society in 2011. This resulted in the adoption of the Myanmar National Human Rights Commission Act 2014. However, that technical assistance provided by OHCHR in the area of human rights did not prevent practices and violations by Government in Myanmar against the Rohinga minority, where the Government has committed all violations against this minority and therefore technical assistance has not assisted the Government of Myanmar in Promotion of human rights.

Thus, it be noted that, despite successful attempts to provide technical support and capacity-building to States, this is not sufficient to achieve the desired progress in the promotion of human rights, especially as there is no mechanism for the enforcement of sanctions against States that commit gross violations of human rights. Consequently, States and groups continue to perpetrate such violations with impunity.

Also, the technical assistance provided to some poor countries could not be achieved in order to eradicate the extreme poverty suffered by these countries, for example, the Human Rights Section of the UN Stabilization Mission in Haiti in cooperation with the Ministry of Human Rights and the fight against extreme poverty presented advice on the drafting of terms of jurisdictions and Action plan (2013-2016) of the International Development Committee, which included detailed steps towards the ratification of human rights instruments, and sup, orted the government with regard to signing of the Convention against Torture and Other Cruel, inhuman or degrading treatment or punishment in August 2013 and to join the International Tribunal.

Nevertheless, the island of Haiti continues to suffer from rampant humanitarian crises and the associated obstruction of the implementation of the SDGs, where, for example, Goal 3 of sustainable and health-related

development goals and associated eradication of epidemics and chronic diseases the State has not been able to achieve, especially under Cholera outbreak on the island there is a 90% decrease in the incidence of infections in 2010. The Government on the island of Haiti has not been able to neither provide adequate housing or to ensure the promotion of human rights.

Also, the lack of an effective mechanism is futile in the absence of the right to enforce sanctions against violators of the human rights.
The technical assistance provided to many States to promote peace and stability in areas of unrest and conflict has also been unable to achieve the desired transitional goals, especially as they were not sufficiently efficient to deal with threats to the peace modern security and technology.

Recommendations

• To establish an effective mechanism to monitor the extent to which States have benefited from the technical assistance provided to them, in particular in the incorporation of human rights principles in legislative and constitutional reforms.

- As far as possible, the technical assistance provided to States should be in accordance with their internal conditions to effectively implement and benefit from such assistance.
    - The need for concerted international efforts and cooperation to assist States with chronic problems such as poverty and the spread of certain types of epidemics.

    - States shall meet their financial obligations so that the technical cooperation programme can carry out the tasks entrusted to it.